IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Russel D. Leatherman
Serial No. 09/500,094
Filed: 02/08/2000
For: **INTERNET CAPABLE BROWSER DISPENSER ARCHITECTURE**

Examiner: Wasylchak, S. R.
Art Unit: 3624

Commissioner for Patents
Washington, D.C. 20231

Sir:

RESPONSE TO THE OFFICE ACTION MAILED MAY 7, 2002

In response to the Office Action mailed May 7, 2002, please find enclosed the following response. If any fees are required in association with this response, the Director is hereby authorized to charge them to Deposit Account 50-1732, and consider this a petition therefor.

REMARKS

The Patent Office rejected claims 29-35 and 49-55 under 35 U.S.C. § 102(e) as being unpatentable over the article in Business Wire: "Tandem Introduces Retail Industry's First Comprehensive Integrated Solution for Operation of Convenience Stores; One-stop Shipping for C-stores Integrates Best-in-class POS, Back Office, and Central Systems on Microsoft Window NT Server" (hereinafter the "Tandem Article").

Both claim 29 and claim 49, the two independent claims from which all other pending claims in this application depend from, contain several elements that are not disclosed either expressly or inherently by the Tandem Article as is required to maintain a § 102 rejection.

Claims 29 and 49 require an "interactive graphical user interface" at the fueling position on a fuel dispenser. The Tandem Article makes references to a kiosk with internet access on page 2, but nowhere is there a suggestion or discussion of the kiosk or the internet service being incorporated into or delivered to a fuel dispenser. The only visual information disclosed in the Tandem Article that delivered from the Windows NT server to the fuel dispenser (called "gas pump" in article) for display is "customized messages" that are delivered to "gas pump video screens." However, there is no discussion or suggestion of the video screen providing interactivity with the customer as required by claims 29 and 49. The Windows NT system in the Tandem Article is described as being able to interface with fuel dispensers, but only with respect to "video-on-demand" – not interactive video. The Tandem Article only